

# Regular Meeting Minutes

## CITY OF BEVIL OAKS, TEXAS

April 21, 2022

1. **Call to Order @ 6:08 pm**
2. **Pledge of Allegiance/Invocation**
  - a. The United States Flag
  - b. The Texas state flag: "*Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*"
3. **Roll Call- All Present- Councilwoman Vautrot arrived at 6:20pm**
4. **Conflict of Interest Statement- None**
5. **Discussion**
  - a. Jefferson County Sheriff's Office- discussion of various topics
    - **Officer Miller-** Explains that the Sherriff's office is responsible for filing reports, call taking, special control
    - When making a call into the Sheriff's office, don't be afraid to tell the officer what color the perpetrator is. For example, black, white, etc.
    - Text to 911 is now available. If you are not able to call, you can text. Be sure to include your address.
    - **Councilman Smith-** We have an huge issue with people running the stop signs, especially further back into the neighborhood past the Blvd.
    - **Councilman Mullins-** It's not a rolling stop, people are blowing through the stop signs.
    - **Officer Miller-** the Sheriff's office isn't allowed to write a citation unless they witness the crime, but if you know the description of the vehicle and where the vehicle resides, we can go talk to them.
    - Next month there will start to be more foot traffic. If you see that there is a specific time that issues are occurring, let the Sheriff's office know and they can set it up to be patrolling at that time.
    - Discussion between the Council about the stop signs throughout the City.
    - **Mayor Emmons-** we don't have an issue with people riding four wheelers, but if they start acting crazy, the Sheriffs office needs to be notified.
  - b. Presentation from Piney Woods Sanitation
    - **Introduction of who they are. Passed out proposals to the Council for the services that they provide**
    - Mentions the type of truck that they have vs. what the other trash companies use.
    - Mentions that they still have an employee that rides on the back of the truck. If anything was to fall out of the truck/can, they can pick it up vs. leaving it behind.
    - Mentions that they pick up things that are left beside the can. They allow 2 bulk items per week.

- Mentions different way that the bill can be paid. Through the City or through them and they pay the City a franchise fee.
- **Mayor-** we normally have a city wide garage sale and then we have a roll-off dumpster delivered on a Saturday and it is picked up the same Saturday, is that something that y'all would be able to do?
- **Piney Woods-** Yes, they can do three roll-offs a year per the contract.
- **Councilman Smith-** There has been issues with other garbage trucks leaking liquids that are from the trash bags in the back of the truck. Will that be an issue with the trucks that you have
- **Piney Woods-** If we have a lot of rain, the trucks do typically leak out some liquid, but this isn't something that will happen on a daily basis. The drivers of the trucks turn in a report after every shift with anything that may be wrong with the trucks. If the truck is leaking liquid from the trash, and it hasn't rained, that is something that is notated on the report from the driver.
- **Councilwoman Mitchell-** On the fuel adjustment, when diesel hits \$4.95, what is that adjustment?
- **Piney Woods-** There's a formula in the contract that was handed out, and what it says is they take 6 % and divide it by the fractional increase in fuel. So it end up being like \$0.25.
- **Councilwoman Mitchell-** cost for residents, the cost per can is \$14.50. What is the cost of 2 cans?
- **Piney Woods-** Each can is \$5.00, making the cost for two cans \$19.50
- **Councilman Merendino-** The price that is listed, is that per month or per quarter?
- **Piney Woods-** Per month
- **Councilwoman Mitchell-** there is separate costs for commercial and residential?
- **Piney Woods-** Currently, the City does not receive franchise fees for the commercial accounts
- **Piney Woods-** If a decision was made to have a commercial franchise fee, the Council would need to speak with the Attorney and see if that was able to happen. If the commercial franchise fee is something that is allowed and it is something that the City would be interested in doing, it would have to be done by ordinance.
- **Piney Woods-** Things that the City needs to consider is if you would want to franchise the commercial and if you want to franchise the roll- offs.
- **Councilman Merendino-** What is the charge for a 20-yard roll-off in Lumberton?
- **Piney Woods-** \$93.00- delivery, \$293.00- per home
- **Piney Woods-** the roll-off rates are included in the contract

6. **Citizen Comments** (3 minutes each) – An opportunity for the citizens to address Council on agenda items or concerns not on the agenda – those wishing to speak must complete the comment card, present

the comment card to the City Secretary prior to the beginning of the meeting, and observe a 3-minute time limit-

- **Allen Pride**- Thanks the Council for their time. Would like to speak about the item that is on the agenda. The rescinding of the resolution that prevents elected officials to perform work for the City. This resolution was instituted to increase integrity. If this resolution is rescinded, it opens the door for the people writing the checks, to cash the checks too.
  - **Councilman Smith**- My only concern is when you say former people, I was the former Mayor, I now have my own business, this resolution excludes me from doing any kind of business with the City when I am no longer on Council.
  - **Councilman Mullins**- If you exclude former Council, you exclude it for a certain number of terms.
  - **Allen Pride**- The purpose of the resolution was to maintain public trust. For example, if there is an item that is out for bid and a former Council member wins the bid, it erodes the public trust.
  - **Terry Watson**- The side of Leaning Oaks between Shipley and the ditch is terrible.
  - **Councilman Mullins**- When we redo roads, that section of Leaning Oaks is priority.
  - **Terry Watson**- When is this supposed to happen?
  - **Councilman Mullins**- We don't know a date as of right now
  - **Mayor Emmons**- Councilman Emmons will be talking about it in his report.
7. **Review/Approve Consent Items – M/M/2/C**- Councilwoman Mitchell/Councilwoman Vautrot- **Approved**
- a. Financial Reports for City of Bevil Oaks
  - b. Financial Reports for Water
  - c. Report by Utility Specialties
    - **Councilman Merendino**- I did have a question about some things that were on the Utility Innovations invoice because there were several locates for the same address. However, I spoke with Sabrenna (office staff) about it and she showed me that they have different work order number and different coordinates on the locate request and she had to give them an address to start from.
  - d. Previous Meeting Minutes
8. **Review/Approve Action Items**
- a. **Consideration/Discussion/Approval** of opening bids to auction off the City golf cart, declaration of the golf cart as surplus and acceptance of a single bid or rejection of all bids. **M/M/2/C**- Councilman Emmons/Councilwoman Vatrout- **Approved**
    - **Mayor Emmons**- There are 3 bids.
    - **Attorney Dru Montgomery**- 1<sup>st</sup> bid- Doug Mullins- \$800.00, 2<sup>nd</sup> bid- Tim Hamilton- \$510.00, 3<sup>rd</sup> bid- Jeff Thibodeaux- \$400.00, 4<sup>th</sup> bid- Cathy Smart- \$375.00. There are no other bids

- **Bid that was accepted-** Councilman Emmons- make the motion to accept the highest bid.
  - **Winner of the bid-** Doug Mullins with a bid of \$800.00
  - **Councilman Emmons-** Is Doug Mullins allowed to win the bid being that he is on Council
  - **Attorney Dru Montgomery-** Yes, because the golf cart was declared surplus and he was not allowed to vote on this action item because he placed a bid.
  - **Councilman Merendino-** abstained from voting
- b. **Consideration/Discussion/Approval** of rescinding resolution # 2018-0830A preventing any current or former elected official, appointed official, city employees or immediate family thereof, to conduct business with the City. **tabled until next Council Meeting- M/M/2/C-** Councilwoman Mitchell/Councilman Merendino-
- **Councilman Smith-** If we get rid of this resolution, will this allow anyone to do work for the City?
  - **Mayor Emmons-** Yes
  - **Councilman Emmons-** it states in the resolution that we are getting rid of this resolution. Mentions tabling the decision to do away with the current resolution until we can modify it to say what we want it to say.
  - **Mayor Emmons-** What should the modified resolution say?
  - **Councilman Smith-** that there should be a time limit on it.
  - **Councilman Merendino-** It should state that Council can only bid on a sealed bid item.
  - **Attorney Dru Montgomery-** Rescind the current resolution, then make a modified resolution. Council will not be able to do business with the City until the modified resolution is done.
  - **Mayor Emmons-** Council needs to have a decision on what they want the resolution to say within two weeks, that way Dru has time to make the resolution and go over it before it gets put on the agenda for the next meeting.
  - **Councilwoman Mitchell-** the Council's decision needs to be put in writing in their City email to you, Mayor Emmons.
- c. **Consideration/Discussion/Approval** reassigning duplicate numbered Ordinance Number 254 approved on January 21, 2021, to be re-numbered as Ordinance Number 258. **M/M/2/C-** *Councilman Merendino/Councilman Mullins- **Approved***
- d. **Consideration/Discussion/Approval** of Ordinance regulating dilapidated buildings, substandard buildings, and unsecured vacant buildings. **M/M/2/C-** *Councilman Merendino/Councilwoman Mitchell- **Approved with revisions***
- **Attorney Dru Montgomery-** reads what the ordinance summary is.
  - **Councilwoman Mitchell-** Does this address commercial and residential properties?

- **Attorney Dru Montgomery/Mayor Emmons-** Yes
- **Attorney Dru Montgomery-** There are some minor tweaks that need to be made to the Ordinance. It states that the Fire Marshall, building inspector AND the City Council, needs to be changed to OR. The way that it states right now, all three would have to make the decision.
- **Councilman Smith-** How are we going to get the money to pay for the City to this job, the ones that have to be demolished.
- **Councilwoman Mitchell-** Typically, the City would pay for it and put a lien on the property for the costs.
- **Attorney Dru Montgomery-** normally what will occur is- that the City could spend \$5-10,00.00 on it and put interest on it and hope for the best. There is a lot more actions that are being offered.
- **Mayor Emmons-** We could get volunteers to demo the houses. There have already been a few that have volunteers.
- **Councilwoman Mitchell-** If we do not do something for the dilapidated houses and someone gets hurt, does the City become liable if we don't address these issues.
- **Attorney Dru Montgomery-** 99% no, because it is private property. The City would have to be sued for not fulfilling its governmental duties to be held liable.

- e. **Consideration/Discussion/Approval** authorizing the Mayor and/or creating a committee to (a) terminate existing garbage collection contract; (b) request proposals from qualified garbage collection services in a commercially reasonable manner; (c) obtain and review proposals; (d) approve a single proposal or reject all proposals at a properly noticed meeting or regular City Council meeting. **Tabled until after executive session.**

**9. Adjourn Regular meeting to go into Executive Session @ 7:39**

**10. Executive Session- next video**

- a. The City Council may convene in Executive Session to discuss possible litigation.

**11. Resume Regular meeting @ 8:02**

**12. Discussion**

- a. Discussion of irrigation meter installation and costs- Councilwoman Mitchell
- b. Discussion on possibility of company removing sign on Sweetgum. Enforcement of Ordinance # 240- Solicitation. - Councilman Merendino
- c. Discussion of hazardous trees. - Councilman Emmons

**13. Reports**

- a. Councilwoman Vautrot – Grounds and Maintenance
- b. Councilman Merendino – Flood Prevention Project
- c. Councilman Emmons – Roads and Drainage
- d. Councilman Smith – Emergency Management
- e. Councilman Mullins – Water & Sewer
- f. Councilwoman Mitchell – Water Rates Project
- g. Mayor Emmons – Various Topics

14. Adjourn Meeting @ 9:08 pm

Barbara Emmons

Mayor, Barbara Emmons

Attest: Doug Mullins

City Secretary, Doug Mullins